

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **June 13, 2006**

AGENDA ITEM NO.: 7

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: CONDITIONAL USE PERMIT (CUP): Lynchburg College Master Plan Amendment, College Student Housing, 209 Amelia Street; 217 Bell Street; 518 Brevard Street; 317 College Street; 402, 417, 419 Lakewood Street and 324 Vernon Street.

RECOMMENDATION: Approval of the requested conditional use permit petition.

SUMMARY: Lynchburg College is petitioning to amend its Master Plan to allow college supervised student housing for four (4) to ten (10) students at 209 Amelia Street, 217 Bell Street, 518 Brevard Street, 317 College Street, 402, 417, 419 Lakewood Street, 1115 McCausland Street and 324 Vernon Street. All properties are zoned R-2, Low-Medium Density, Single-Family Residential. The Planning Commission's motion to approve the CUP failed. The Planning Division recommended approval of the CUP because:

- Petition agrees with the Comprehensive Plan which places a high value on colleges and recommends supporting their presence within the City.
- Petition agrees with the Zoning Ordinance in that colleges and associated uses are permitted in residential districts upon approval of a CUP by the City Council.

PRIOR ACTION(S):

May 10, 2006: Planning Division recommended approval of the conditional use permit with the following conditions:

1. The properties shall be used in substantial compliance with the individual site plans for student housing:
 - 209 Amelia Street – four (4) students.
 - 217 Bell Street – six (6) students.
 - 518 Brevard Street – ten (10) students.
 - 317 College Street – five (5) students.
 - 402 Lakewood Street – six (6) students.
 - 417 Lakewood Street – four (4) students.
 - 419 Lakewood Street – four (4) students.
 - 1115 McCausland Street – seven (7) students.
 - 324 Vernon Street – nine (9) students.
2. Any exterior lighting shall be glare shielded to prevent direct illumination beyond the property line.
3. All residences shall comply with the building code as determined by the Building Official.
4. All parking associated with the student housing shall be in "off street" lots.

Planning Commission motion to approve the CUP failed (2-2, with 1 abstention, Flint and 2 absent, Bacon, Oglesby).

FISCAL IMPACT: N/A

CONTACT(S): Tom Martin/ 455-3909

ATTACHMENT(S):

- Resolution
- PC Report
- PC Minutes

- Vicinity Zoning Pattern
- Vicinity Proposed Land Use
- Site Plans
- Speaker Sign-Up sheet

REVIEWED BY: lkp

RESOLUTION

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO LYNCHBURG COLLEGE TO ALLOW STUDENT HOUSING AT 209 AMELIA STREET; 217 BELL STREET; 518 BREVARD STREET; 317 COLLEGE STREET; 402, 417, 419 LAKEWOOD STREET; 1115 MCCAUSLAND STREET AND 324 VERNON STREET, SUBJECT TO CERTAIN CONDITIONS.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of Lynchburg College for a Conditional Use Permit to allow college supervised housing at 209 Amelia Street; 217 Bell Street; 518 Brevard Street; 317 College Street; 402, 417, 419 Lakewood Street and 324 Vernon Street be, and the same is hereby approved, subject to the following conditions:

1. The properties shall be used in substantial compliance with the individual site plans for student housing:
 - 209 Amelia Street – four (4) students.
 - 217 Bell Street – six (6) students.
 - 518 Brevard Street – ten (10) students.
 - 317 College Street – five (5) students.
 - 402 Lakewood Street – six (6) students.
 - 417 Lakewood Street – four (4) students.
 - 419 Lakewood Street – four (4) students.
 - 1115 McCausland Street – seven (7) students.
 - 324 Vernon Street – nine (9) students.
2. Any exterior lighting shall be glare shielded to prevent direct illumination beyond the property line.
3. All residences shall comply with the building code as determined by the Building Official.
4. All parking associated with the student housing shall be in “off street” lots.

Adopted:

Certified:

Clerk of Council

057L

The Department of Community Planning & Development
City Hall, Lynchburg, VA 24504 **434-455-3900**

To: Planning Commission

From: Planning Division

Date: May 10, 2006

Re: **CONDITIONAL USE PERMIT (CUP): Master Plan Amendment for Lynchburg College Student Housing, 209 Amelia Street; 217 Bell Street; 518 Brevard Street; 317 College Street; 402, 417, 419 Lakewood Street; 1115 McCausland Street and 324 Vernon Street**

I. PETITIONER

Lynchburg College, 1501 Lakeside Drive, Lynchburg, VA 24501

Representative: Mr. John Lewis, Business Manager, Lynchburg College, 1501 Lakeside Drive, Lynchburg, VA 24501

II. LOCATION

The subject properties are approximately .2 acres each and are located at 209 Amelia Street; 217 Bell Street; 518 Brevard Street; 317 College Street; 402, 417, 419 Lakewood Street; 1115 McCausland Street and 324 Vernon Street.

Property Owners: Lynchburg College, 1501 Lakeside Drive, Lynchburg, VA 24501

III. PURPOSE

The purpose of this petition is to amend Lynchburg College's Master Plan to allow the conversion of nine (9) existing dwellings into college supervised student housing for four (4) to ten (10) students.

IV. SUMMARY

- Petition agrees with the Comprehensive Plan, which recommends a Low Density Residential use for the subject properties
- Petition agrees with the Zoning Ordinance in that colleges and associated uses are permitted in residential districts upon approval of a Conditional Use Permit by the Planning Commission and the City Council.
- Petition proposes the conversion of nine (9) existing dwellings into supervised student housing for four (4) to ten (10) students.

The Planning Division recommends approval of the conditional use permit petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Future Land Use Map* recommends a Low Density Residential use for the area. These areas are dominated by single-family homes at densities of four (4) dwelling units per acre. Institutional uses that are compatible in scale with residential homes are appropriate in these areas.

Throughout the public forums held for the preparation of the Comprehensive Plan, citizens emphasized the value they place on education. Quality educational opportunities must be provided for youth at the secondary school level and college level and for adults as part of continuing education. The City places high value on its colleges and will continue to support their presence within the City and to work with them in coordinating City planning with campus master planning.

2. **Zoning.** The subject property was annexed into the City in 1976. The existing R-2, Low Density Single Family Residential zoning was established in 1978 with the adoption of the current *Zoning Ordinance*.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the project as proposed.
4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:

- On July 12, 2005, Lynchburg City Council approved Lynchburg College's CUP petition for the conversion of existing residences to student housing at 214 Bell Street, 185, 307 Vernon Street, & 404, 428 Lakewood Street.
- On December 12, 2004, Lynchburg City Council approved Lynchburg College's CUP petition for the conversion of existing residences to student housing at 201 Bell Street, 224, 350 Vernon Street, 1123 McCausland Street, 121 Thomas Road, 310, 416, 432 Lakewood Street & 333 College Street
- On October 12, 2004, Lynchburg City Council approved Lynchburg College's CUP petition for the construction of student housing and associated parking areas at 1501 Lakeside Drive.
- On June 8, 2004 Lynchburg City Council approved Lynchburg College's CUP petition for the conversion of existing residences to student housing at 191, 225, 235, 246, 302, 310, 311, 331, 348 Vernon Street and 316 and 426 Lakewood Street.
- On June 12, 2001, Lynchburg City Council approved Lynchburg College's CUP petition for the development of student housing at 511 Brevard Street, 312,420, and 425 Lakewood Street, and 504 Westwood Avenue.
- On June 13, 2000, Lynchburg City Council approved Lynchburg Christian Academy's CUP petition for the temporary use of modular classrooms at 624 Thomas Road.
- On March 14, 2000, Lynchburg City Council approved Lynchburg College's CUP petition to amend its master development plan for construction of student townhomes on campus at 1501 Lakeside Drive.
- On July 13, 1999 Lynchburg City Council approved Lynchburg College's CUP petition for the development of a college office and student housing at 341 College Street, 504 Brevard Street and 245 Vernon Street.
- On August 11, 1998, Lynchburg City Council approved Lynchburg College's CUP petition for the use of an existing residence for student housing at 215 Vernon Street.
- On June 9, 1998, Lynchburg City Council approved Lynchburg College's CUP petition for the amendment of the existing master plan for the construction of a gym and physical plant storage building at 1501 Lakeside Drive.
- On May 12, 1998, Lynchburg City Council approved Lynchburg College's CUP petition for the development of special interest student housing at 512 Brevard Street.
- On May 13, 1997, Lynchburg City Council approved Gethsemane Baptist Church's CUP petition for the establishment of a play area and operation of a child care center for up to 49 children at 407 and 411 Blue Ridge Street.
- On December 12, 1995, Lynchburg City Council approved Lynchburg College's CUP petition for the amendment of the existing master plan to allow conversion of an existing residence for supervised student housing at 511 Brevard Street.
- On January 12, 1993, Lynchburg City Council approved Lynchburg College's CUP petition for the amendment of the existing master plan for the construction of the School of Business at the 300 Block of College Street.
- On April 9, 1991, Lynchburg City Council approved Gethsemane Baptist Church's CUP petition for the construction of new parking and the expansion of both the existing parking and the sanctuary at 408 and 411 Blue Ridge Street.
- On August 1, 1989, Lynchburg City Council approved Lynchburg College's CUP petition for the development of college offices and student housing on College, McCausland and Brevard Streets.

- On February 14, 1989, Lynchburg City Council approved Lynchburg College's CUP petition for the development of faculty offices at 505 Brevard Street.
 - On August 9, 1988, Lynchburg City Council approved Lynchburg College's CUP petition for the construction of a dormitory and office at 349 College Street.
 - On July 12, 1988, Lynchburg City Council approved Lynchburg College's CUP petition for the construction of office space at 185 Vernon Street and 500 Westwood Avenue.
 - On August 13, 1985, Lynchburg City Council approved Lynchburg College's CUP petition for the conversion of an existing residence hall to offices and construction of new classrooms/parking at College Street.
 - On September 25, 1984, Lynchburg City Council approved Lynchburg College's CUP petition for the development of an alumni house off of Lakeside Drive.
 - On October 28, 1980, Lynchburg City Council approved Lester Heyer's CUP petition for a Family Amusement Center off of Lakeside Drive.
5. **Site Description.** The subject properties are bounded to the north and south by a combination of residential, commercial and institutional uses and to the east and west by residential uses.
6. **Proposed Use of Property.** The purpose of the conditional use permit petition is to amend Lynchburg College's Master Plan to allow the conversion of nine (9) existing dwellings into student housing for four (4) to ten (10) students; the houses will be supervised by college staff. The petitioner proposes to provide gravel parking areas for all residences. The college will plant landscaping along the perimeter (where hedges and fencing do not already exist) of all parking areas to buffer the parking from adjacent non-college owned housing.
7. **Traffic and Parking.** The City's Traffic Engineer's had no comments of concern regarding traffic from the proposed student housing.
- The submitted site plans indicate that parking will be provided in gravel lots behind the residences or in existing parking lots owned and operated by Lynchburg College. The college will plant landscaping along the perimeter (where hedges and fencing do not already exist) of all parking areas to buffer the parking from adjacent non-college owned housing.
8. **Storm Water Management.** New impervious areas associated with the conversion of the existing dwellings to student housing will be minimal. An agreement in lieu of plan will be used to address stormwater and erosion and sediment control issues. The proposed landscape buffer will result in slightly less runoff from the parking area as well as an improved stormwater quality benefit from the site.
9. **Emergency Services.** The City's Fire Marshal had no comments on the proposed conditional use permit application.
- The Police Department had no comments on the proposed conditional use permit application.
10. **Impact.** Lynchburg College was founded on April 17, 1903, and is one of the oldest coeducational colleges in Virginia. The College is currently working on its strategic plan for the next ten (10) years. The plans call for a modest growth to two thousand five hundred (2,500) students up from the two thousand two hundred and forty-eight (2,248) students in the fall of 2004.

The college currently has student housing for one thousand five hundred and seventy-two (1,572) students. The college received approval from the City Council on October 12th, 2004 to construct an additional apartment building for one hundred and four (104) students with associated parking areas and subsequent permission on December 12th, 2004 to convert nine (9) existing dwellings into student housing for forty (40) students and on July 12th, 2005 to convert an additional five (5) dwellings into student housing for thirty-five (35) students. The current proposal is to convert nine (9) dwellings into student housing for fifty-five (55) students.

The College currently requires that "traditional" aged students live in College-owned housing until their senior year. During the senior year a student may live off campus, however it must be in an area zoned

R-4 or R-5. These requirements instituted by the College have eliminated the ability of the students to rent single-family dwellings not under the ownership of the College. This has greatly reduced the usual area of concern of the potential for students to generate noise or cause other disruptive activities.

The submitted site plans indicate that parking will be provided in gravel lots behind the residences or in existing parking lots owned and operated by Lynchburg College to prevent an overflow of cars into the adjacent residential neighborhood. In addition, the college will plant landscaping along the perimeter (where hedges and fencing do not already exist) of all parking areas to buffer the parking from adjacent non-college owned housing.

The College has obtained CUP's for other student housing identical to these requests in the past. The College's presence and accountability for their students has been a benefit to the community. The proposed uses are considered to be compatible with the institutional and residential character of the neighborhood.

11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on April 21st, 2006. Comments related to the proposed plan use were minor in nature and have or will be addressed by the developer prior to final site plan approval.
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VI. PLANNING DIVISION RECOMMENDED MOTION:

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the Conditional Use Permit petition of Lynchburg College to allow student housing for four (4) to ten (10) students at 209 Amelia Street; 217 Bell Street; 518 Brevard Street; 317 College Street; 402, 417, 419 Lakewood Street; 1115 McCausland Street and 324 Vernon Street.

1. **The properties shall be used in substantial compliance with the individual site plans for student housing:**

- 217 Bell Street – six (6) students**
- 209 Amelia Street – four (4) students**
- 317 College Street – five (5) students**
- 402 Lakewood Street – six (6) students**
- 417 Lakewood Street – four (4) students**
- 419 Lakewood Street – four (4) students**
- 1115 McCausland Street – seven (7) students**
- 518 Brevard Street – ten (10) students**
- 324 Vernon Street – nine (9) students**

2. **Any exterior lighting shall be glare shielded to prevent direct illumination beyond the property line.**
3. **All residences shall comply with the building code as determined by the Building Official.**
4. **All parking associated with the student housing will be in “off street” lots.**

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Mr. Michael L. Thomas, Fire Marshal
Mr. J. Lee Newland, Director of Engineering
Lt. Danny R. Marks, Lynchburg Police Department Field Operations Bureau
Capt. Todd Swisher, Lynchburg Police Department North Division
Capt. J.P. Stokes, Lynchburg Police Department East Division
Capt. Al Thomas, Lynchburg Police Department South Division
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Keith Wright, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Mr. Kent White, Senior Planner
Ms. Erin Bryant, Environmental Planner
Mr. John Lewis, Representative

VII. ATTACHMENTS

1. Vicinity Zoning Pattern

(see attached map)

2. Vicinity Proposed Land Use

(see attached map)

3. Site Plans

(see attached site plans)

MINUTES FROM THE MAY 10, 2006 PLANNING COMMISSION MEETING

Petition of Lynchburg College for conditional use permits to allow college supervised student housing for four to ten students at 209 Amelia Street, 217 Bell Street, 518 Brevard Street, 317 College Street, 402, 417, 419 Lakewood Street, 1115 McCausland Street and 324 Vernon Street in an R-2, Single-Family Residential District.

Commissioner Flint abstained from the discussion of this request.

Mr. Tom Martin, City Planner, explained to the Commission that the proposed houses would accommodate from between four (4) to ten (10) students in each of the nine (9) structures that would be converted to student housing. He said the Comprehensive Plan (Comp Plan) emphasized the high value that the City placed on education and stated that the City would continue to support the presence of its colleges and universities and would try to coordinate City planning issues with the master plans of those institutions. He continued by explaining that the Future Land Use Map (FLUM) did recommend a low-density residential use for the subject property; however, he added, institutional uses that were compatible in scale with single-family uses were appropriate in these areas. Mr. Martin noted that the petitioner did conduct a neighborhood meeting on April 18 with two people in attendance. He concluded by saying that the Planning Division did recommend approval of the Conditional Use Permit.

Mr. John Lewis, Business Manager at Lynchburg College, 1501 Lakeside Drive, Lynchburg, addressed the Commission. Mr. Lewis explained that possibly this would be one of the last times that he came before the Commission to request a Conditional Use Permit (CUP) for the College. He said Lynchburg College had recently completed a strategic plan as well as a Campus Facilities Master Plan. He said they decided to increase their enrollment to a certain point, and thought that with this fall's class, they would be as close as they could to that point of having a total head count of two thousand five hundred (2,500) students, with approximately one thousand eight hundred (1,800) students living on campus. Mr. Lewis said they had the capacity for right at that number of students, plus the College had extended itself to be able to do the new construction on campus, not only with Centennial Hall, but with the two hundred forty new residential spaces on campus, as well as purchasing the homes in the last few years to provide additional spaces for their students in an alternative setting. He noted that LC had a strong commitment to being a residential campus, and added that if the student was not living at home with their parents, then they were required to live in college-owned housing. He explained that when students reached their senior year, they could apply to live off campus. He added that a few years ago the College changed their rules only allowing students to live in an R-4 or R-5 zoned area, meaning that they could only live in an apartment complex where there was managed supervision provided. That arrangement, Mr. Lewis continued, stopped their students from living in a rented, single-family dwelling in the neighborhood. He said those changes had made a significant difference, plus spending well over \$11,000,000 on renovations to the houses, and constructing the new two hundred forty (240) spaces on campus that were all apartment and/or townhome type constructions. He continued by explaining that the fact that the College owned the homes in the neighborhood, that the homes had college supervision and could be entered at any time, and corrective action could be taken when necessary had made the difference from the days when absentee landlords owned the homes. Mr. Lewis told the Commission that also in attendance at this meeting was Greg Naylor, Director of Resident Life programs, who could help answer any questions that they might have.

Mr. Daniel May, 323 College Street, spoke in opposition to the petition. Mr. May explained that he had been at war with Lynchburg College for several years. He said at times there had been total chaos with drinking in the streets, open containers of alcohol, students crossing through private property, and drug dealing. He added that he had gone to City Council several months ago and

explained the situation, and Council approached LC soon after that. He noted that before he moved into the house Mr. Lewis stopped by and they talked about the students and the houses and Mr. May told him at that time that if the students respected his space he would have no problems with them. He reported that that had not happened. Mr. May explained that the students had repeatedly done property damage to his property, and he shared photographs of his broken fence. He said they had also littered his property and stayed up until three or four in the morning. He added that he had spoken to other residents of the neighborhood, and said that the reason no one else had attended this meeting was that they had given up on the problems ever being solved. Mr. May told the Commission that after he went to City Council one house on College Street was shut down completely and activities at a house on Lakewood were curbed considerably. He added that after that happened, the students waited a couple of weeks then moved their parties to 312, 402, and 416 Lakewood. He said on April 29 students damaged his fence and he called the Lynchburg Police Department (LPD) who handed the case over to the Campus Police. He added that the Campus police did not question anyone, so two or three days later he flagged down the day-time security and asked if anything had been done about the property damage. He said that the Security did not know anything about the previous call, and discovered that a report had not been filed, so they came back later to take pictures of the property damage and file a report. Mr. May said that he wanted to ask Council to not grant any more CUPs and to revoke the CUPs that had already been granted until LC came up with a workable plan to benefit the College and the neighborhood. He noted that real people lived in that area who did not live the lifestyle of college students. He added that they were peaceable, hardworking, family people, and he wanted his family to be happy and not worry about students coming through their back yard. Mr. May said there needed to be some kind of penalty or consequence for their actions.

Mr. Greg Naylor, 1015 Blue Ridge View Circle, Forest, Virginia, Director of Resident Life at Lynchburg College gave a rebuttal. Mr. Naylor explained the supervision of these houses. He said that over the last few years LC had invested approximately \$13 million to bring their students out of the neighborhood and back onto campus. He said that eighty-seven (87) percent of the students lived on campus and of that, ninety-two (92) percent of their seniors lived on campus. He explained that every day of the week there was a staff member on call that was available for crisis, violations, or emergencies. He added that on Thursday, Friday and Saturday nights there was a community patrol working with the Lynchburg Police Department. Mr. Naylor said that during that night patrol, they talked to students, addressed problems and would close things down if they got out of control. He said that after an incident occurred, they would address the issue the next day within their office. 313 College Street. Mr. Naylor said there were numerous complaints concerning 313 College Street. LC, he continued, gave the students an opportunity to fix the situations, but that did not work, so the students were moved out of the house and no one had been moved back in this semester. He said they had also moved individual student out of various houses. He said Lynchburg College was committed to being a good neighbor to the community. He reported that they were continuing looking for new ways to handle different situations, but their community patrol system had worked pretty well.

Commissioner Worthington commented that every year Lynchburg College came to the City to ask for more houses to be converted to student housing, and at this point, he did not believe that this was the last time. He asked what was different about this year than previous years and asked why he should buy into a program.

Mr. Lewis said this year they had recently completed their Strategic Plan as well as their Campus Facilities Master Plan. He said they were coming up on their fourth year of a freshman class size of five hundred fifty (550) students, so that told them that that would be at their maximum enrollment. He said they felt that the number was an achievable goal. Mr. Lewis said unless they completely changed their mode of operation that governs the size of Lynchburg College, they felt that they had reached that point.

Commissioner Worthington asked if they thought they had reached their maximum number of students because they could not recruit more than five hundred fifty (550) students per year. He asked if they were able to recruit seven hundred (700) students a year, would LC try doing so.

Mr. Lewis said that was one point, but the other point would be their facilities. He said they were committed to being a small residential Liberal Arts college and they did not want to grow beyond twenty-five hundred (2,500) students. He said they studied what that would mean if they grew beyond that size. He said they wanted to stay residential, did not want to grow larger than that, and they were testing the water to see if they could even grow to that size.

Chair Hamilton asked Mr. Lewis to address Mr. May's concerns about feedback he had received from other members of the community.

Mr. Lewis explained that LC had gotten a mailing list from the Planning Division of everyone who lived within two hundred (200) feet of the properties designated for a CUP. He continued by saying that they had invited all of those neighbors to a meeting with only Mr. May and Mrs. Jones attending. Unfortunately, he added, one of the students who was forced to move out of 313 College Street then moved into a non-college owned home, which was next door to Mrs. Jones. Mr. Lewis said that was an issue that should not have happened, and LC was addressing it internally. He continued by saying that the College had made substantial progress, but they were not satisfied, and as long as there were problems, they would continue to find solutions.

Chair Hamilton asked when the community patrolling began.

Mr. Naylor responded that this was the second full year of the community patrolling.

Mrs. Rose May, 323 College Street, addressed the Commission. Mrs. May said that if security was doing their job, then the parties happening in their neighborhood would not go on until all hours of the mornings. She said they rarely saw security unless someone in the area called them.

Commissioner Barnes commented that he was surprised that this item was on the agenda. He continued that when the College came in for its last conditional use permit to construct its most recent housing, he understood that the long range plan of the College was to eventually house all students on campus so this kind of conflict with the neighborhood could be avoided. He asked if now that LC saw themselves reaching their optimum enrollment, did they intend to continue to rely on housing in the neighborhood, or did they eventually want to construct enough housing on campus to house all students. Commissioner Barnes asked about the selection process of students who were chosen to live off campus.

Mr. Lewis said they definitely needed the houses to use for campus housing as opposed to letting the students live in rented property in the neighborhood. He added that there was no land available on campus to construct any new buildings.

Mr. Naylor addressed Commissioner Barnes second question concerning the selection process of students chosen to live off campus. He explained that for anyone who was an upper class member and wanted to live off campus, there was an application process that they had to go through. He said they based their selections on the student's Grade Point Average and their standing in the community, as well as factoring in their college involvement and judicial record. Mr. Naylor added that students had the opportunity to apply for houses as a group with the support of a sponsor, advisor or coach of that group. He continued by explaining that there was a ranking system which was done manually by talking with the staff. He added that since LC was a small campus, the staff and faculty generally knew which students were rowdy or might cause problems in the neighborhood.

Commissioner Sale said he had heard almost charges of lawlessness of the LC students handled by the College security. He asked if any charges had ever been pressed against the students, and how many suspensions there had been in relation to the students living in a single-family residential neighborhood.

Mr. Naylor said that the Lynchburg Police Department (LPC) could make arrests if a law were broken whereas the campus security could not make arrests. He noted that arrests had been made, and in some instances were referred to the College Judicial System, which were handled by the Dean of Student's and the Associate Dean of Student's Offices. He said last year they issued approximately ten (10) suspensions of students for acts in violation. He said there might have been maybe between five (5) and ten (10) such suspensions in one year.

Commissioner Sale said the CUP was for college-supervised student housing, which, according to the accusations, was not working. He said this request was an intrusion into an R-2 neighborhood with a non-conforming use of people. He said if people were trespassing on his property, and here was public drinking in the neighborhood, he guaranteed that the police would be involved, and people would be prosecuted. Commissioner Sale asked Mr. Naylor if the College saw themselves as liable for being the owners of the homes when the quality of an R-2 standard was not being upheld. He asked if they the College was willing to be sued, and how many other houses the College owned.

Mr. Naylor responded that LC did hold students accountable for their actions. He added that the College was now addressing the issues with the students as opposed to the past when the students lived wherever they wanted, and absentee landlords did not address any of the problems. He said they were always striving to come up with a better system and were continually evaluating that system. Mr. Naylor said they did hold themselves liable as homeowners, and said he thought they would be sued. He said Lynchburg College had invested a lot as an organization, as well as being personally invested. He added that they were willing to be partners as the College was committed to the community. He responded that there were approximately sixty five (65) to seventy (70) houses that were being used as student housing, which were located on approximately seven streets throughout the neighborhood.

Commissioner Flint said they had to remember how bad the community relations were before the College started purchasing and renovating homes in the neighborhood. He pointed out that the College recently fought hard to keep beer from being sold in the neighborhood store, but lost that battle. He said LC had been working toward a certain student enrollment through the years and this request was consistent with what they had done in the past. Commissioner Flint said they had done a good job in their long range planning, which would help them currently and in the future.

Chair Hamilton asked Mr. Naylor how they were they going to head off future problems.

Mr. Naylor said they had already increased their staff with two new resident assistants living in different houses. He said they had a graduate assistant who would be acting as the hall director supervising those assistants. He added that the placement of students would change, and noted that there was an academically focused special interest house on one side of Mr. May for next year. Mr. Naylor explained that when graduation was over, they would re-evaluate their need for police officers on weekends.

Commissioner Sale said the student behavior was what was at stake here. He added that the neighbors needed to go to court or to the College if they believed that LC was not holding up to that which was appropriate as a landowner. He said he was willing to vote for the CUP with the idea that the neighbors could have the right of judicial review of what LC was doing. He added that LC was moving in a good direction, but they were not there yet.

Mr. Naylor said LC was committed to work out the issues. He suggested that the neighbors call LC security or the LPD, as they wanted to hold their students accountable for their actions.

Commissioner Worthington said he could not support this request as it was the same request year after year and he heard the same complaints year after year. He said LC always said they were going to do a better job, but until that happened, he was not prepared to support any more student houses in the neighborhood.

Commissioner Barnes said he was struggling with this request. He said he was sympathetic to the needs of the college in relation to the surrounding neighborhood, but thought this was the wrong strategy. He added that this was a transitional problem with the College trying to purchase property immediately surrounding the campus, and as long as there were long-term neighbors rubbing elbows with students, there would be problems. He continued by saying that it seemed that a better strategy would be for the College to purchase a block of land and build a new dorm. Commissioner Barnes asked if this request was denied and the College still owned the houses, would they just not be able to use them for student housing.

Mr. Martin said the Planning Commission's recommendation would be forwarded to Council, and they would make a final decision on whether to support the CUP or not. He pointed out to Mr. Sale that even though the neighbors did have a legal recourse that was not their only recourse. He explained that the neighbors could request that City Council revoke the CUP if it was justified. He added that Commissioner Barnes was correct in that if this CUP was denied the College could only use the houses for single-family purposes. Mr. Martin said the Planning Division did share some of the same concerns as to when final was going to be final. He said he had always spoken about the balancing needs in the Comp Plan in that the City needed to support higher education, but it also needed to protect their neighborhoods. He said this was not the perfect system, but the Planning Division had never heard any opposition until the signs went up for this petition when Mrs. Jones called him. Mr. Martin said he called Mr. Lewis who immediately looked into the situation. Mr. Lewis then called Mr. Martin back and explained to him how LC was handling the situation. He said the Planning Commission had the right to add other Condition to the petition, such as additional security officers at certain times, or whatever they deemed appropriate.

Chair Hamilton said she was surprised that there was any negative feedback. She said after her few years on the Planning Commission there had never been any feedback either for or against LC's petitions. She added that maybe the vote should be postponed to see if other citizens had ideas on how to make their lives better as neighbors with the College. She said she did not think they were seeing enough feedback from the neighborhood.

Commissioner Sale asked how many houses in the "dotted line area" on the site plan were owned by residents who lived there.

Mr. Lewis answered that there were approximately ten (10) to twenty (20) percent privately owned homes that were currently occupied by single families.

Commissioner Barnes clarified the number of students that could be placed in the houses if there were four to ten students per home. He pointed out that that could be up to ninety students as a maximum.

Mr. Martin responded that there would be fifty (55) students total in the nine (9) houses.

Commissioner Sale asked how a CUP could be revoked. He commented that it was in the College's best interest to make this work with the neighbors. He said the College was liable and the students

could be prosecuted. He said a revocation of the CUP was a check and balance to see how diligent the College's commitment to supervision was.

Mr. Martin said the neighborhood or a neighbor could petition City Council to revoke the CUP. He continued to explain that Council would have a public hearing and vote to either revoke or leave the CUP in place. Obviously, he noted, Council could refer the request to the Planning Commission for its review.

Chair Hamilton said she agreed with Commissioner Sale that there was a lot of recourse and put faith in the College that this would be the last time they had to come before the City for a CUP for student housing.

Commissioner Barnes said with the potential degree of disruption, he did not have faith with fifty-five (55) students being distributed throughout the neighborhood. He said the College needed to pursue other options for student housing.

Commissioner Worthington said he shared that view with Commissioner Barnes and added that in the interim, until that strategy was realized, they had to be more aggressive with complaints. He pointed out that there was a noise Ordinance in the City and it should be utilized and enforced, and if there was a complaint about a party, it needed to be aggressively dealt with. He said he wanted LC to be successful, but in the interim, they had to have a better plan, and said that he was not satisfied with what they currently had.

After discussion, Commissioner Sale made the following motion, which was seconded by Chair Hamilton but failed due to a tie vote:

"That the Planning Commission recommends to City Council approval of the Conditional Use Permit petition of Lynchburg College to allow student housing for four (4) to ten (10) students at 209 Amelia Street; 217 Bell Street; 518 Brevard Street; 317 College Street; 402, 417, 419 Lakewood Street; 1115 McCausland Street and 324 Vernon Street.

1. The properties shall be used in substantial compliance with the individual site plans for student housing:
 - 217 Bell Street – six (6) students
 - 209 Amelia Street – four (4) students
 - 317 College Street – five (5) students
 - 402 Lakewood Street – six (6) students
 - 417 Lakewood Street – four (4) students
 - 419 Lakewood Street – four (4) students
 - 1115 McCausland Street – seven (7) students
 - 518 Brevard Street – ten (10) students
 - 324 Vernon Street – nine (9) students
2. Any exterior lighting shall be glare shielded to prevent direct illumination beyond the property line.
3. All residences shall comply with the building code as determined by the Building Official.
4. All parking associated with the student housing will be in "off street" lots."

AYES:	Hamilton, Sale	2
NOES:	Barnes, Worthington	2
ABSTENTIONS:	Flint	1
ABSENT:	Bacon, Oglesby	2

LYNCHBURG COLLEGE STUDENT HOUSING

209 Amelia St., 217 Bell St., 518 Brevard St.,
317 College St., 402, 417, 419 Lakewood St.,
1115 McCausland St., 324 Vernon St.

Map # 013-18-005, 013-19-002, 013-20-003, 031-02-004,
031-02-037, 031-06-008, 031-06-007, 031-01-016, 031-19-016

Conditional Use Permit Request

Petitioner: Lynchburg College

MAP PREPARED BY

THE DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT

N

Subject Property

200 ft Radius

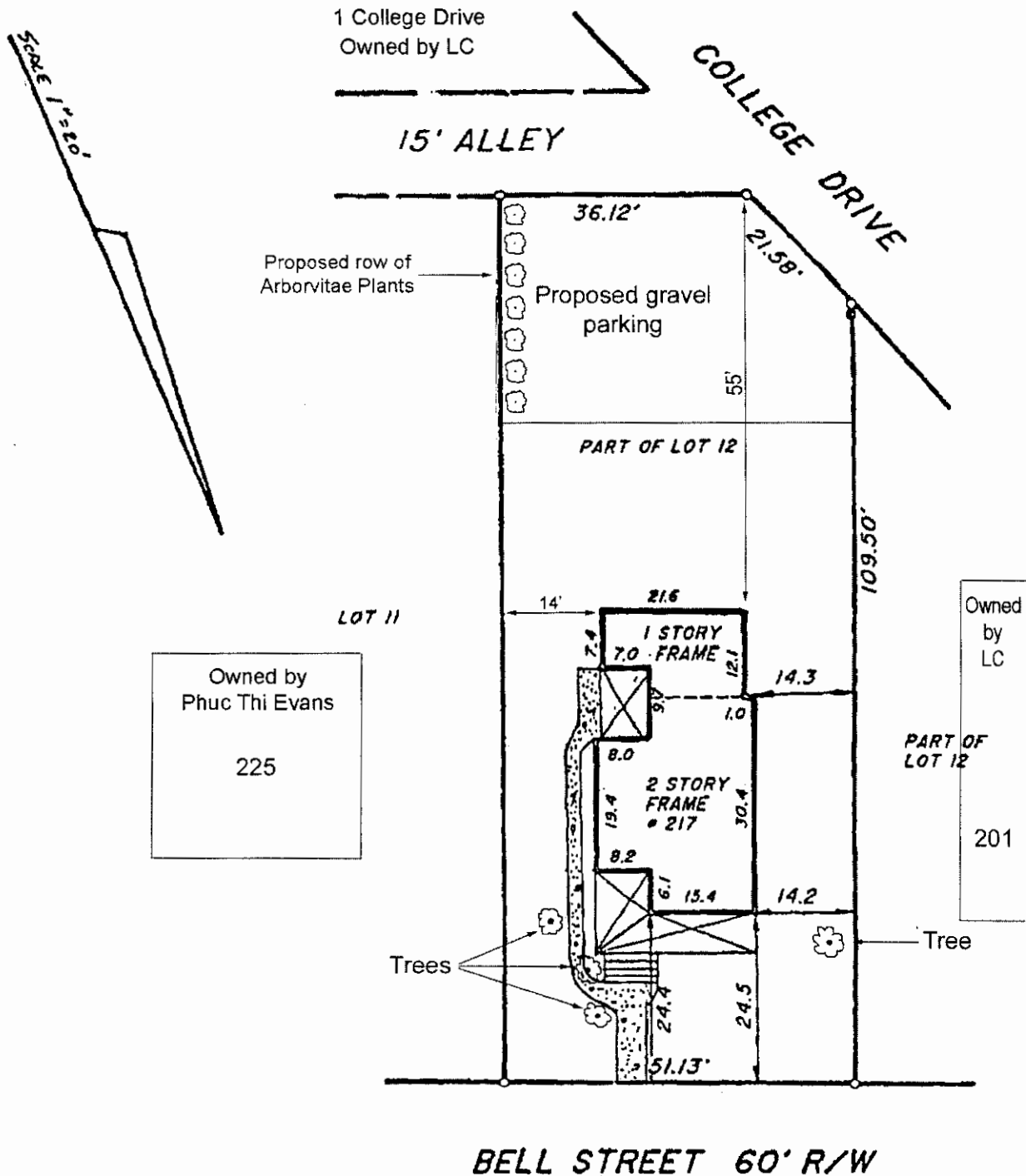


- # LYNCHBURG COLLEGE STUDENT HOUSING LAND USE PLAN



Petitioner and Owner: Lynchburg College, 1501 Lakeside Drive; Lynchburg, VA 24501
Location: 217 Bell Street **Existing Zoning:** R-2
Proposed Use: Student Residence in Existing Structure (for 6 students)

REVISED
4-25-06



RECEIVED

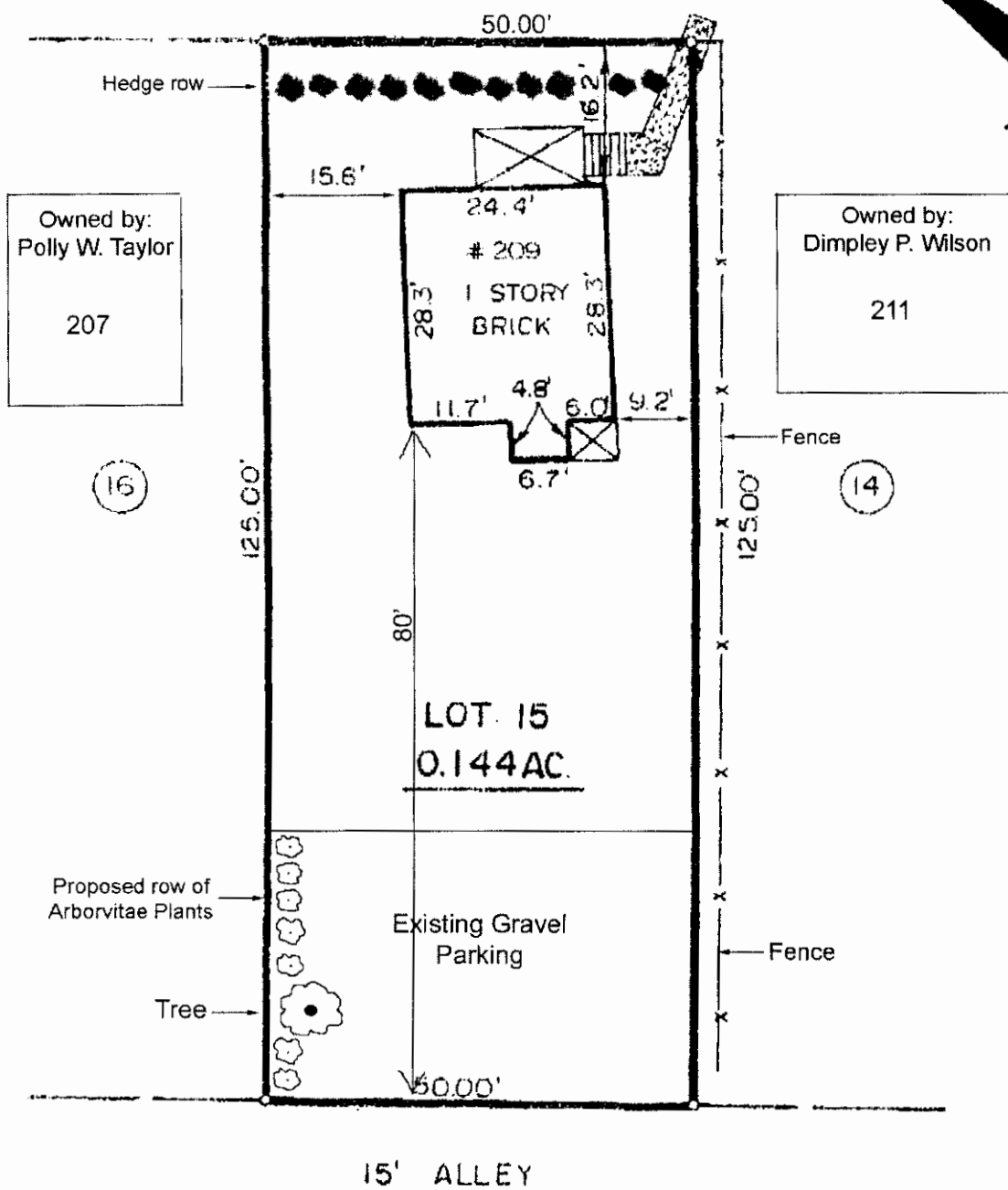
APR 28 2006

COMMUNITY PLANNING
& DEVELOPMENT

Petitioner and Owner: Lynchburg College, 1501 Lakeside Drive; Lynchburg, VA 24501
Location: 209 Amelia Street **Existing Zoning:** R-2
Proposed Use: Student Residence in Existing Structure (for 4 students)

REVISED
4-25-06

AMELIA STREET (60' R/W)



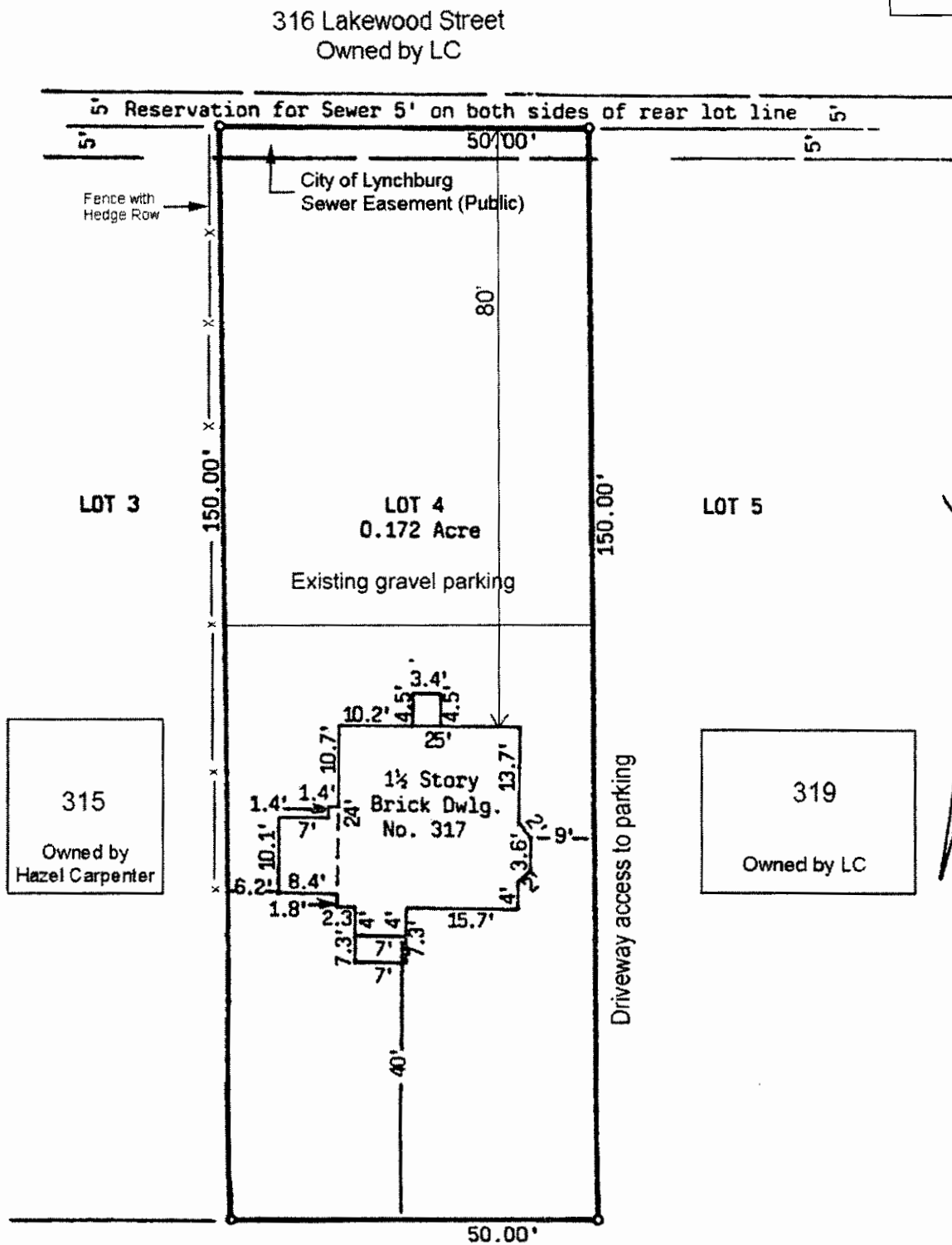
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200 Bell Street
Owned by: Michael W. Hensley

RECORDED
APR 28 2006
COMMUNITY PLANNING
& DEVELOPMENT

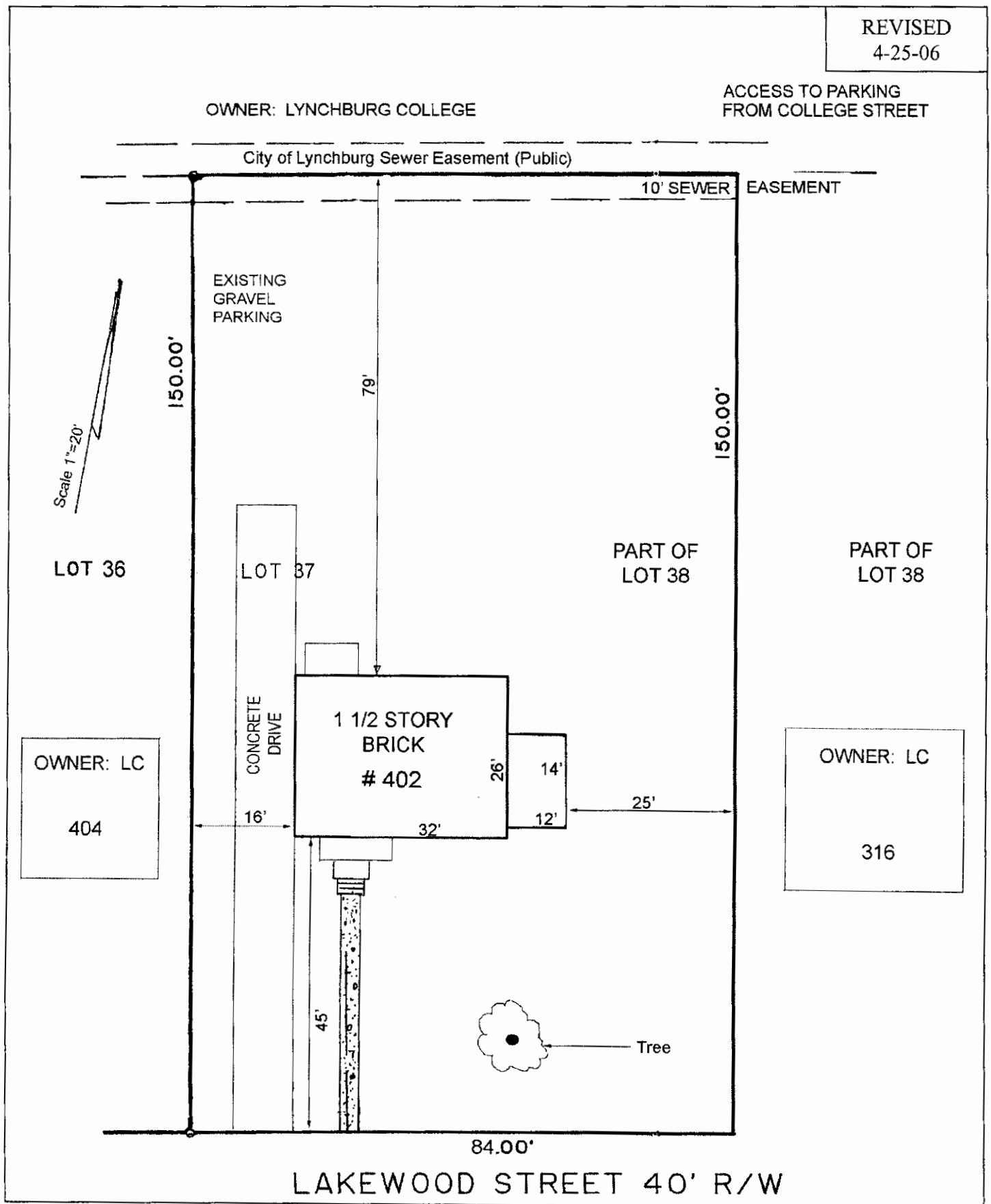
Petitioner and Owner: Lynchburg College, 1501 Lakeside Drive; Lynchburg, VA 24501
Location: 317 College Street **Existing Zoning:** R-2
Proposed Use: Student Residence in Existing Structure (for 5 students)

REVISED
4-25-06



Petitioner and Owner: Lynchburg College, 1501 Lakeside Drive; Lynchburg, VA 24501
Location: 402 Lakewood Street **Existing Zoning:** R-2
Proposed Use: Student Residence in Existing Structure (for 6 students)

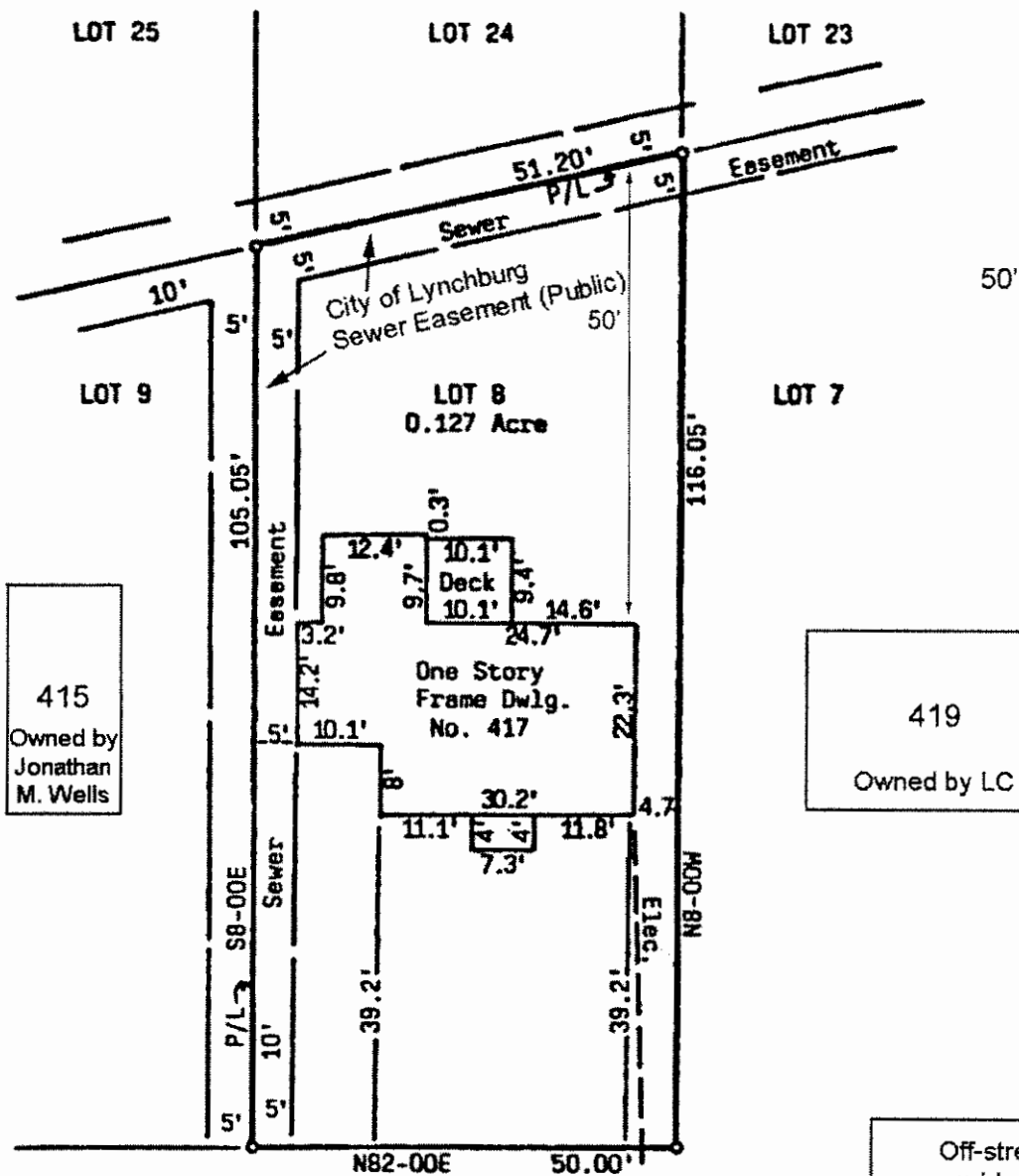
REVISED
4-25-06



Petitioner and Owner: Lynchburg College, 1501 Lakeside Drive; Lynchburg, VA 24501
Location: 417 Lakewood Street **Existing Zoning:** R-2
Proposed Use: Student Residence in Existing Structure (for 4 students)

REVISED
4-25-06

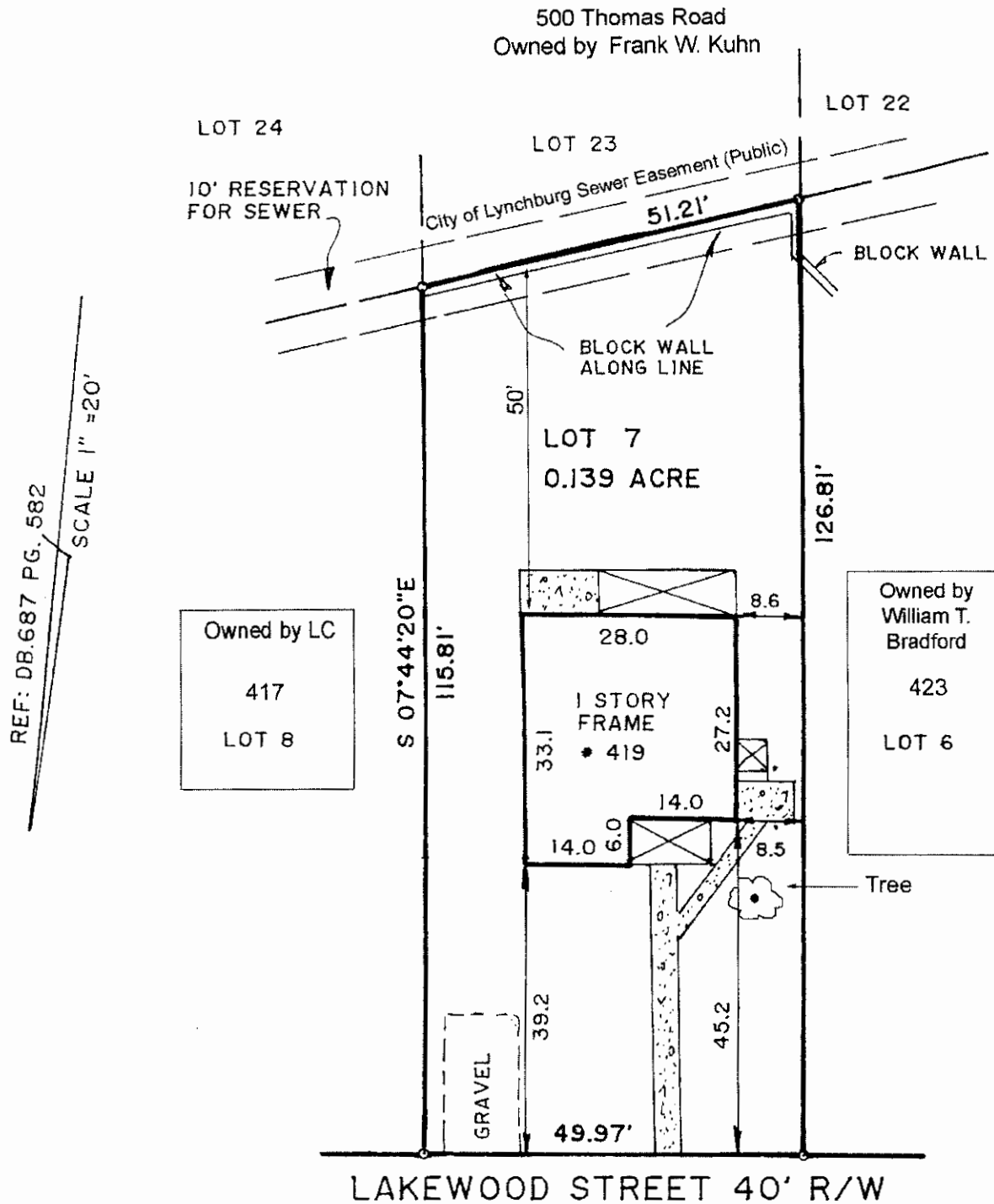
416 Thomas Road
Owned by: Lavant Nesbitt



Off-street parking
provided in existing
Gravel parking lot located
across the street.
at 416 Lakewood Street.

Petitioner and Owner: Lynchburg College, 1501 Lakeside Drive; Lynchburg, VA 24501
Location: 419 Lakewood Street **Existing Zoning:** R-2
Proposed Use: Student Residence in Existing Structure (for 4 students)

REVISED
4-25-06

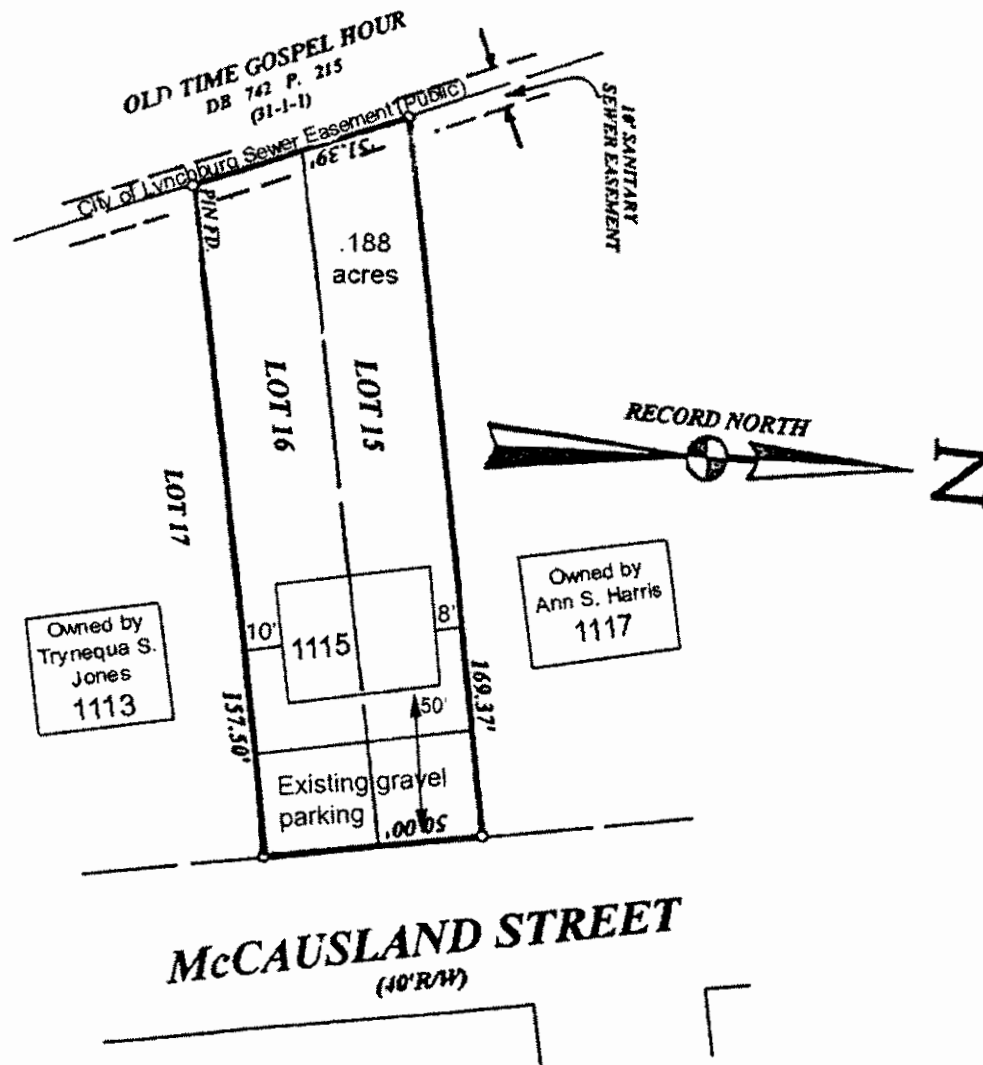


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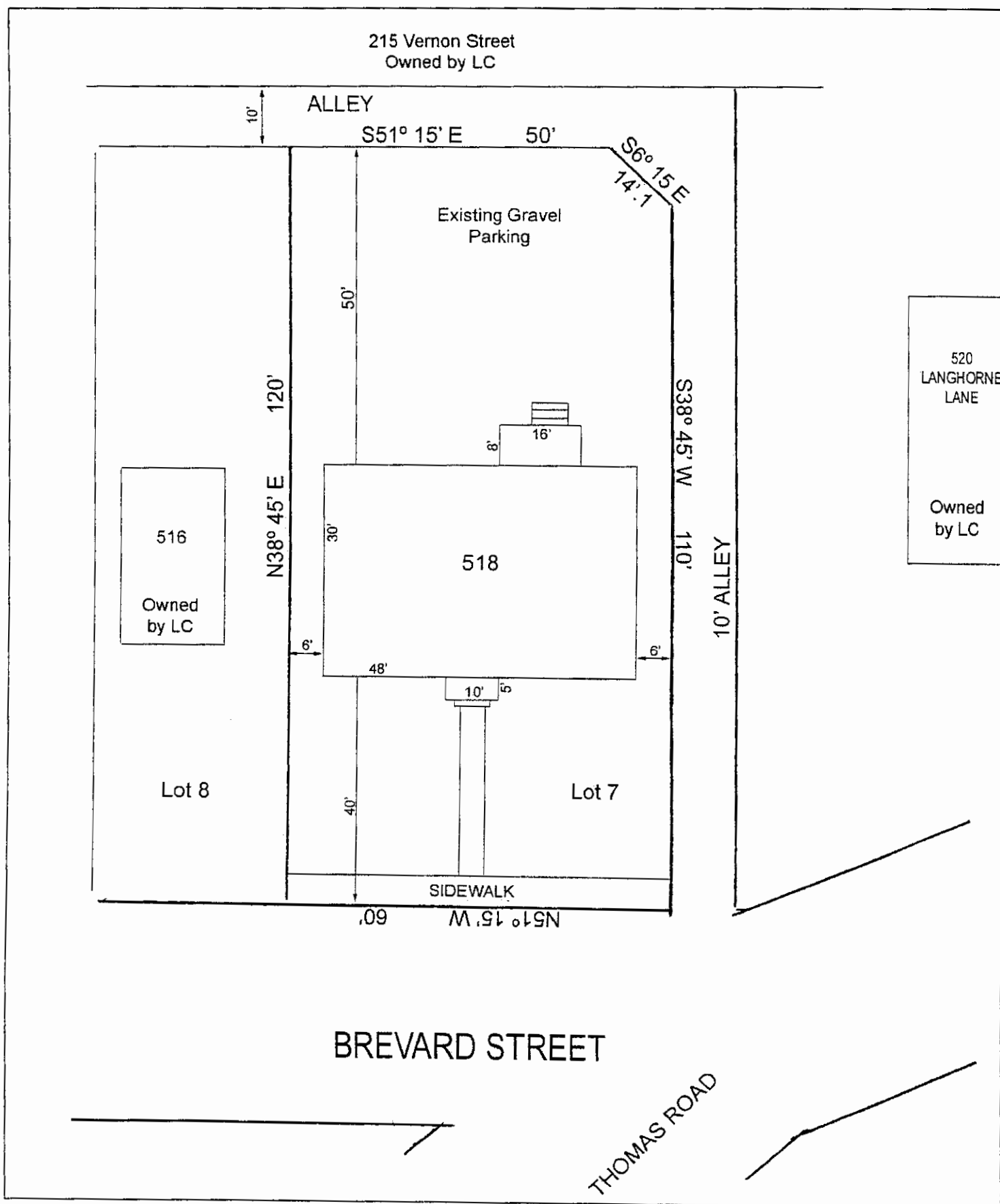
Off-street parking provided in existing
Gravel parking lot located across the street
at 416 Lakewood Street

Petitioner and Owner: Lynchburg College, 1501 Lakeside Drive; Lynchburg, VA 24501
Location: 1115 McCausland Street **Existing Zoning:** R-2
Proposed Use: Student Residence in Existing Structure (for 7 students)

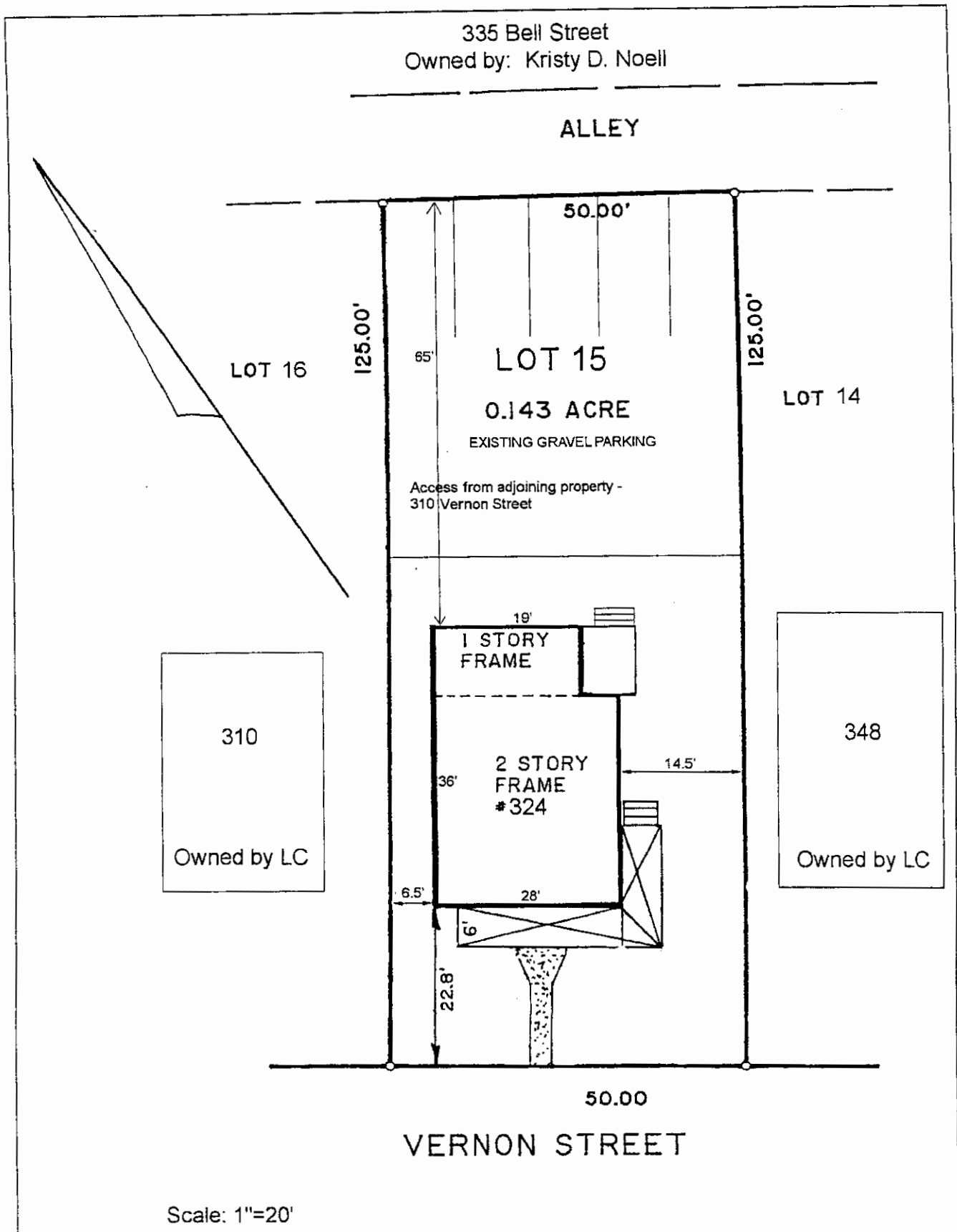
REVISED
4-25-06



Petitioner and Owner: Lynchburg College, 1501 Lakeside Drive; Lynchburg, VA 24501
Location: 518 Brevard Street **Existing Zoning:** R-2
Proposed Use: Student Residence in Existing Structure (for 10 students)



Petitioner and Owner: Lynchburg College, 1501 Lakeside Drive; Lynchburg, VA 24501
Location: 324 Vernon Street **Existing Zoning:** R-2
Proposed Use: Student Residence in Existing Structure (for 9 students)





June 5, 2006

MEMORANDUM TO MEMBERS OF LYNCHBURG CITY COUNCIL

FROM: *Kenneth R. Garren*
Kenneth R. Garren, President

Attached is information pertaining to the City Council meeting on Tuesday evening, June 13.
Thank you for your consideration in reviewing the attached material.

Attachment

Lynchburg College
Revised Master Plan Map for Conditional Use Permit
Lynchburg City Council – June 13, 2006

The attached map of the Lynchburg College campus is presented in response to the City's 1989 request for the College to show the outer limits of its long-term interest in properties in the neighborhood surrounding the campus. As indicated in the index for the map, the dotted line represents the College's current interest in acquiring properties as they become available in the adjoining neighborhood. We are happy to share this information with the City and the individual property owners in the neighborhood. We feel that this shows good-faith evidence that the College has a plan and is operating within that plan. We are not haphazardly buying houses at random. We are only buying those within the dotted line as they become available and are offered for sale to the College. At which time we have the property appraised by an independent licensed appraiser and offer to buy the property at its fair market value as determined by the appraiser. Of course, it is still up to the owner to accept or decline the offer. By the College acquiring the properties and renovating them, we feel that the values of the other adjoining properties not owned by the College are maintained at a higher value than they would have been in a neighborhood where properties are neglected. We currently own 73 houses or 69% of the houses within the dotted line area.

The dotted line has moved slightly over the past 16 years to include the following three areas that were a natural fit within the College's plan:

Four houses on McCausland Street (1115 – 1123)
Seven houses at the end of Bell Street (100 – 217)
Two houses at the end of Amelia Street (207 & 209)

In addition to providing much needed housing for our students, the College's ownership of these houses allows the College to make substantial renovations to help maintain the appearance of the neighborhood. The College's goal is for all of the houses to be clean, comfortable and safe for our students. In addition to making cosmetic improvements, we install new electrical wiring and a hard-wired fire alarm system and we provide off-street parking. These houses also serve as a transition space between the campus and the rest of the neighborhood.

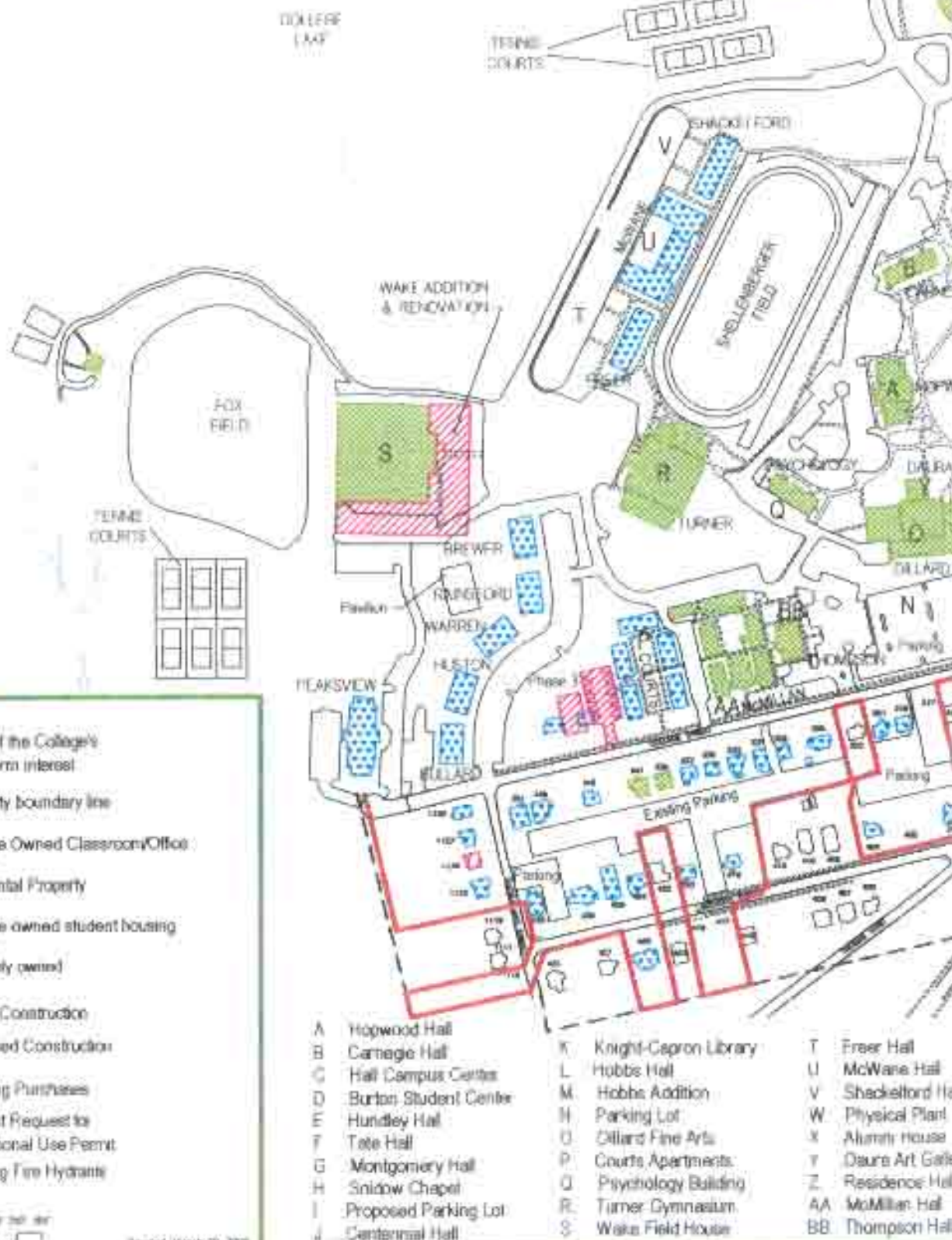
The College also complies with all of the conditions set by the City when we are granted a conditional use permit. We have planted vegetative buffers along property lines when the adjoining property is not owned by the College. The College has also worked with the City to construct sidewalks as needed. We want to be good neighbors.

Prepared by: John C. Lewis, Business Manager

CUP_map
JCL; 6-2-06

LYNCHBURG COLLEGE

Revised Master Plan for Conditional Use Permit



- | | | | | | |
|---|-----------------------|---|-----------------------|----|-------------------|
| A | Hopwood Hall | K | Knight-Capron Library | T | Freer Hall |
| B | Carnegie Hall | L | Hobbs Hall | U | McWane Hall |
| C | Hall Campus Center | M | Hobbs Addition | V | Shackelford Hall |
| D | Burton Student Center | N | Parking Lot | W | Physical Plant |
| E | Hurdley Hall | O | Olland Fine Arts | X | Alumni House |
| F | Tate Hall | P | Courts Apartments | Y | Daura Art Gallery |
| G | Montgomery Hall | Q | Psychology Building | Z | Residence Hall |
| H | Snow Chapel | R | Turner Gymnasium | AA | McMillan Hall |
| I | Proposed Parking Lot | S | Wake Field House | BB | Thompson Hall |
| J | Centennial Hall | | | | |



- Bell Renovations
- Entrance Road & Physical Plant Parking
- Science Building Addition
- Dairy Art Gallery Addition
- Residential Properties - Student Housing
- Hobbs Hall Renovation
- 512 Brevard - Student Housing
- 511 Brevard - Student Housing
- 215 Vernon - Student Housing
- Turner Gym Additional and Shelter
- Physical Plant Storage Building
- 504 Brevard - Student Housing
- 245 Vernon - Student Housing
- 341 College - Temporary Offices
- Then Student Housing
- Hall Center - Classrooms/Offices
- 207 College - Student Housing
- 516 Brevard - Student Housing
- 319 College - Student Housing
- 321 College - Student Housing
- 325 College - Student Housing
- 339 College - Student Housing
- Residence Hall Townhouses - Phase 1
- 424 Lakewood - Student Housing
- 312 Lakewood - Student Housing
- 420 Lakewood - Student Housing
- 425 Lakewood - Student Housing
- 504 Westwood - Student Housing
- Centennial Hall (Educational Building)
- 316 Lakewood - Student Housing
- 426 Lakewood - Student Housing
- 191 Vernon - Student Housing
- 225 Vernon - Student Housing
- 235 Vernon - Student Housing
- 246 Vernon - Student Housing
- 302 Vernon - Student Housing
- 310 Vernon - Student Housing
- 311 Vernon - Student Housing
- 331 Vernon - Student Housing
- 348 Vernon - Student Housing
- Residence Hall Apartments (Phase 2)
- 201 Bell - Student Housing
- 224 Vernon - Student Housing
- 350 Vernon - Student Housing
- 1123 McCausland - Student Housing
- 121 Thomas - Student Housing
- 310 Lakewood - Student Housing
- 416 Lakewood - Student Housing
- 432 Lakewood - Student Housing
- 214 Bell - Student Housing
- 404 Lakewood - Student Housing
- 428 Lakewood - Student Housing
- 185 Vernon - Student Housing
- 307 Vernon - Student Housing

CURRENT REQUEST

- 209 Amelia - Student Housing
- 324 Vernon - Student Housing
- 518 Brevard - Student Housing
- 317 College - Student Housing
- 217 Bell - Student Housing
- 402 Lakewood - Student Housing
- 417 Lakewood - Student Housing
- 419 Lakewood - Student Housing
- 1115 McCausland - Student Housing

FUTURE CONSTRUCTION

- Burton Student Center Addition/Renovation
- Wake Field House Addition/Renovation
- Residence Hall Townhouses - Phase 3
- (Demolish 346 & 348 College St.)



Rental Property at 110 Langhome Lane

ry Addition
Townhouses